

***Unapproved***

Salem Planning and Zoning Commission  
July 21, 2009

Present: Abetti, F.  
Bingham, D. – left at 7:53 pm  
Buckley, K.  
Chinatti, M. – Town Planner/ZEO  
Fogarty, G.  
Savalle, R.  
Winakor, A., Alt.

Absent: Dalkowski, R.  
McKenney, H.  
Vacancy, Alt.  
Vacancy, Alt.

Guests: see attached.

**CALL TO ORDER:**

In the absence of Chairman H. McKenney, G. Fogarty, vice chairman:

- Called the meeting to order at 7:05 pm,
- Introduced all members and staff present, and
- With the Commission's consent, seated A. Winakor for H. McKenney.

**PUBLIC HEARINGS:**

None Scheduled

**PETITIONERS:**

- 1) **Congregational Church of Salem – request for thirty (30) day extension for which to file mylars**

M. Chinatti, Town Planner/ZEO:

The deadline for filing the mylars is 8/14/09 for the approved site plan modification to the church's building at 249 Hartford Road.

The Commission received a request for a thirty (30) day extension from Pastor T. Dubeau to enable the engineer to produce the mylar for the renovations.

A mylar was received, but upon review it was found that corrections were required.

Recommendation is to approve the extension request.

M/S/C (Bingham/Abetti) to approve the request of the Congregational Church of Salem for a thirty (30) day extension (to 9/13/09) in which to file the mylars for the approved site plan modification for the renovation of the church's building at 249 Hartford Road. Vote: approved unanimously.

**PUBLIC COMMENTS:**

There were no *PUBLIC COMMENTS* this evening.

**OLD BUSINESS:**

- 1) **Carvalho Brothers Realty, LLC - application (RS#09-02-01) for a resubdivision of land in both Salem and Colchester (two [2] lots in Salem; six [6] lots in Colchester) and a proposed road in both towns at 50 Buckley Road and possible action**

With the Commission's consent, the vice chairman added the following to tonight's agenda for information in regard to this item:

**1a) R. Ross - Intermunicipal Agreement for proposed road in resubdivision**

R. Ross, First Selectman:

The Board of Selectmen reviewed this proposed Agreement and had many comments on it.

After meeting with the First Selectman of Colchester and other Salem and Colchester officials, he feels that the Agreement is not in the best interest of the Town of Salem.

Salem would not be responsible for or have any say as to repairs, etc. for any part of the road, even though a length (the shortest part) is in Salem, but Salem would have to pay 43% of any costs incurred by Colchester for repairs, etc.

The property in Salem is being subdivided into only two (2) lots, which will both be accessed from the proposed new road.

The Intermunicipal Agreement is a matter for the Board of Selectmen and the Board of Finance.

The PZC can approve the resubdivision without this agreement.

The Commission should treat the approval of the portion of the road in Salem as for any other approval of a road in a Salem subdivision or resubdivision.

M. Chinatti, Town Planner/ZEO:

The Commission cannot take action this evening, as the revised plan is before the IWCC.

The IWCC reviewed the revised plan at their last meeting and decided that a new application was not necessary.

They could take action on the revised (6/01/09) plan at their 8/10/09 meeting, which is prior to the PZC 8/18/09 meeting.

M/S/C (Bingham/Abetti) to table the Carvalho Bros. Realty, LLC application (RS#09-02-01) to the August 18, 2009 Salem Planning and Zoning Commission Regular Meeting. Vote: approved unanimously.

**2) Avery - request for waiver of Section 14.6d) of the Salem Zoning Regulations in regard to Excavation Permit renewal for the quarry at 190 Round Hill Road**

M. Chinatti, Town Planner/ZEO:

The Wetlands Permit for this quarry expired and an application for a new permit is still pending before the Inland Wetlands and Conservation Commission.

The matter is on the IWCC August 10, 2009 Regular Meeting agenda for possible action.

M/S/C (Bingham/Winakor) to table the Avery request for a waiver of Section 14.6d) of the Salem Zoning Regulations in regard to Excavation Permit renewal for the quarry at 190 Round Hill Road to the August 18, 2009 Regular Meeting of the Salem Planning and Zoning Commission. Vote: approved unanimously.

**NEW BUSINESS:**

**1) ~~E. Belt~~ in regard to digital zoning map**

It was the Commission's consensus to postpone this discussion to the August 18, 2009 PZC Regular Meeting to allow the PZC chairman to be present for it.

**2) M. Chinatti, Town Planner/ZEO - findings in regard to the 6/3/09 meeting request of the PZC for research into the ~~L. G. Getty~~ Special Exception**

M. Chinatti, Town Planner/ZEO:

Reviewed the audiotapes (cassettes) of the G. Getty hearings and found them to be either blank or impossible to understand. They probably have deteriorated. Tried them on three (3) separate machines and they sounded the same on all three.

Her suggestion to Mr. Getty was to come to tonight's meeting with a Special Exception modification application ready to add the rock hammer to the plan so that if the Commission decided that a new application is required, he could submit it this evening.

K. Buckley:

Reviewed two (2) videotapes, June 2, 2007 and June 17, 2007, which were the public hearings for G. Getty's Special Exception modification and site plan modification for the quarry at 229 Rattlesnake Ledge Road to extricate his quarry from the joint permit with the Kobyluck quarry.

There was no mention of a rock hammer on either tape.

The only mention of equipment was when H. McKenney said to Mr. Getty: "I see you have a proposed cutter, but not a proposed crusher." The answer was: "Correct."

M. Chinatti stated that Mr. Getty has used the rock hammer as an attachment on an excavator to pull apart rocks in slabs.

After discussion, it was the Commission's consensus that a Special Exception modification application would be required.

Mr. Getty submitted the application (SEM#09-07-01).

After discussion, it was the Commission's decision that Mr. Getty could use the rock hammer at the site, as he has been doing in the past to pull apart rocks in slabs, during the Special Exception modification process.

M/S/C (Bingham/Winakor) to accept G. Getty's Special Exception modification application (SEM#09-07-01) for the quarry at 229 Rattlesnake Ledge Road and to set a public hearing for the application for Tuesday, September 15, 2009, 7:00 pm, Salem Town Office Building, 270 Hartford Road. Vote: approved unanimously.

#### **ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONVERSATION COMMISSION REPORT: (See attached to the filed copy of these minutes.)**

M. Chinatti, Town Planner/ZEO/WEO, added the following to her Report:

Preliminary revised Flood Plain Maps have been received from the DEP.

They are much more accurate than the previous (1981) maps.

The effective date for these revised maps will not be until August or September of 2010.

They will be displayed in the Town Office Building.

They will also be placed on the town's website.

An informational meeting will be held by the DEP for residents.

The DEP has requested that the towns provide copies of their flood plain regulations to them for their review and suggested revisions, if required.

Salem's regulations have already be forwarded to them.

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

- 1) **June 16, 2009 - Regular Meeting**
- 2) **June 23, 2009 - Regular Meeting**

M/S/C (Bingham/Savalle) to approve the minutes of the June 16, 2009 Regular Meeting of the Salem Planning and Zoning Commission as presented and the June 23, 2009 Regular PZC Meeting amended as follows:

Page 2, at the bottom of the page, change the second paragraph under *M. Chinatti, Town Planner/ZEO*: to "Three (3) excavators are on the plan. The rock hammer is an attachment on one of the excavators. It can be used to process rock, but it isn't in this case."

Vote: approved unanimously.

**EXECUTIVE SESSION: (if needed)**

M/S/C (Winakor/Buckley) to go into Executive Session at 7:49 pm to discuss pending litigation for 1) 160 Old Colchester Road and 2) Kobyluck and include M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary.  
Vote: approved unanimously.

D. Bingham stated that he would be recusing himself from the Kobyluck discussion, item 2).

**1) Pending litigation (160 Old Colchester Road)**

Present at Executive Session:

F. Abetti, D. Bingham, K. Buckley, G. Fogarty, R. Savalle, and A. Winakor.

Present at the Commission's pleasure:

M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary.

D. Bingham recused himself at 7:53 pm and left the meeting.

**2) Pending litigation (Kobyluck)**

Present at Executive Session:

F. Abetti, K. Buckley, G. Fogarty, R. Savalle, and A. Winakor.

Present at the Commission's pleasure:

M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary.

**NO ACTION TAKEN.**

M/S/C (Winakor/Buckley) to come out of Executive Session at 8:00 pm. Vote: approved unanimously.

**PLUS DELTAS:**

Commission review of the positive aspects and areas for improvement in regard to the conduct of tonight's meeting.

**CORRESPONDENCE:**

There was no *CORRESPONDENCE* this evening.

**ADJOURNMENT:**

M/S/C (Abetti/Winakor) to adjourn the meeting at 8:06 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/ Recording Secretary